

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HUGH L. STEWART,

Plaintiff,

No. CIV S-03-0469 FCD KJM P

vs.

BAXTER DUNN, et al.,

Defendants.

ORDER

____ Plaintiff is proceeding in this action pro se and in forma pauperis. Plaintiff seeks relief under 42 U.S.C. § 1983.

On November 18, 2004, the court granted leave to file an amended complaint. Plaintiff has now filed an amended complaint. Plaintiff's amended complaint states claims for relief against defendants under the Fourteenth Amendment. Accordingly, the court will order service of process upon defendants. See 28 U.S.C. § 1915(e)(2).

In accordance with the above, IT IS HEREBY ORDERED that:

1. The Clerk of the Court shall send plaintiff two USM-285 forms, an instruction sheet and a copy of the amended complaint filed December 15, 2004.

2. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the following documents to the court:

- a. The completed Notice of Submission of Documents;
- b. One completed USM-285 form for defendant The County of San Joaquin and Divinia;¹ and
- d. Five copies of the endorsed amended complaint filed December 15, 2004.

3. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

5. Failure to comply with this order will result in a recommendation that this action be dismissed.

DATED: May 2, 2005.


UNITED STATES MAGISTRATE JUDGE

¹
stwe0469.ifp(2)

¹ The court notes that plaintiff already has submitted USM-285 forms for defendants Dunn and Franks and a summons.

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NOTICE OF SUBMISSION

OF DOCUMENTS

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ completed USM-285 forms

_____ copies of the _____
Amended Complaint

DATED:

Plaintiff